

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

MICHAEL ELLENBURG,

Plaintiff,

vs.

WARDEN SAM LAW, et. al.,

Defendants.

Cause No. CV 09-00013-GF-SEH-RKS

ORDER AND FINDINGS AND  
RECOMMENDATIONS OF UNITED STATES  
MAGISTRATE JUDGE

This matter was closed on December 4, 2009 yet Plaintiff continues to file numerous post-judgment motions. Plaintiff's current motions do not change the Court's analysis of the dismissal of this matter. Plaintiff raised no new arguments or evidence to disturb the Court's prior rulings in this matter. In particular, Plaintiff's Motion for Declaratory Relief seeks injunctive relief regarding claims not raised in the original or amended pleadings.

Accordingly, Plaintiff's Motion for Appointment of Counsel (Court Doc. 40) is DENIED.

IT IS RECOMMENDED THAT Plaintiff's Amended Motion and Order to Proceed (Court Doc. 40) and Motion for Declaratory Relief (Court Doc. 42) should be DENIED.

NOTICE OF RIGHT TO OBJECT TO FINDINGS &  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

Pursuant to [28 U.S.C. § 636\(b\)\(1\)](#), Plaintiff may serve and file written objections to these Findings and Recommendations within fourteen (14) days of the date entered as indicated on the Notice of Electronic Filing. Any such filing should be captioned "Objections to Magistrate Judge's Findings and Recommendations."

A district judge will make a de novo determination of those portions of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge and may waive the right to appeal the District Court's order. [Martinez v. Ylst, 951 F.2d 1153 \(9th Cir. 1991\)](#).

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to [Fed.R.Civ.P. 4\(a\)\(1\)](#), should not be filed until entry of the District Court's final judgment.

DATED this 22nd day of December, 2009.

/s/ Keith Strong

Keith Strong

United States Magistrate Judge